

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CORBIN HOWARD, *et al.*,

Plaintiffs,

Case No. 3:18-cv-410

vs.

PREBLE COUNTY SHERIFF, *et al.*,

Defendants.

District Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

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**ORDER AND ENTRY: (1) DIRECTING THAT THE CLERK PROVIDE PLAINTIFFS WITH ADDITIONAL SUMMONS FORMS; (2) NOTIFYING PLAINTIFFS OF THE AVAILABILITY OF FORMS ONLINE; (3) GRANTING PLAINTIFFS' MOTION REQUESTING SERVICE BY UNITED STATES MARSHAL; (4) DIRECTING THAT THE UNITED STATES MARSHAL SERVICE DEFENDANTS UPON RECEIPT FROM PLAINTIFF OF ALL NECESSARY DOCUMENTS FOR SERVICE; AND (5) NOTIFYING PLAINTIFFS OF THEIR OBLIGATION TO SERVE EACH DEFENDANT ON OR BEFORE MAY 12, 2019**

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This civil case is before the Court with regard to a letter *pro se* Plaintiff Corbin Howard addressed to the Clerk of Court on February 18, 2019. Doc. 15. In that letter, Plaintiff requested that the Clerk provide him with additional summons forms. *Id.* The undersigned **DIRECTS** that the Clerk mail to both Plaintiffs additional summons forms if not already sent. The undersigned **NOTIFIES** Plaintiffs that summons forms can be found online at the following website: <https://www.uscourts.gov/file/455/download>.

In the letter, Plaintiff Corbin Howard also seeks advice regarding service of process and asks whether service can be performed by the United States Marshal. Pursuant to the Federal Rules of Civil Procedure, “[a]t the plaintiff’s request, the court may order that service be made by a United States marshal or deputy marshal[.]” Fed. R. Civ. P. 4(c)(3). Construing Plaintiff Corbin

Howard's letter as a request for service by the Marshal, the Court **GRANTS** such request and **ORDERS** the U.S. Marshal to serve Defendants upon receipt from Plaintiffs of the appropriate documents to complete service. *See* Fed. R. Civ. P. 4(c)(1) ("The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service").

Finally, the Court notes that, pursuant to Fed. R. Civ. P. 4(m), "[i]f a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time." In this case, the undersigned deems Plaintiffs' complaint filed, for purposes of service of process, on February 11, 2019,<sup>1</sup> and therefore, Plaintiffs must ensure that service under Rule 4(m) should be completed on or before **May 12, 2019**. *See* Fed. R. Civ. P. 4(c)(1), *supra*. Plaintiffs are **NOTIFIED** that failure to complete service of process on each Defendant on before that date may result in the dismissal of their claims against each of the unserved Defendants.

**IT IS SO ORDERED.**

Date: April 30, 2019

s/ Michael J. Newman  
Michael J. Newman  
United States Magistrate Judge

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<sup>1</sup> The undersigned makes no determination on the appropriate date of filing for statute of limitations purposes.